

## RESOLUTION NO. 2024-09

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE APPLICATION FOR SITE PLAN APPROVAL TO CONSTRUCT A PRIVATE CLUB AND ASSOCIATED OUTDOOR RECREATIONAL FACILITIES WITH ANCILLARY CLUB CAFÉ, RETAIL, AND EVENTS WITHIN IN A RESIDENTIAL LOW (RL-3) ZONING DISTRICT, LOCATED APPROXIMATELY 2,300 FEET SOUTH OF THE INTERSECTION OF MELALEUCA LANE AND HAVERHILL ROAD ON THE EAST SIDE AT 5208 S. HAVERHILL ROAD (WITH A FUTURE ADDRESS OF 5200 S. HAVERHILL ROAD), AS REQUESTED BY THE PETITIONER, MICHAEL MILES, AGENT FOR THE OWNER, THE PICKLEBALL CLUB; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Michael Miles., hereinafter "Petitioner", as agent for the owner, The Pickleball Club, has made an application for Site Plan approval for construction of a Private Club with associated outdoor recreational facilities, and ancillary club café, retail, and events within a Residential Low (RL-3) zoning district, located approximately 2,300 feet south of the intersection of Melaleuca Lane and Haverhill Road on the east side at 5208 S. Haverhill Road (with a future address of 5200 S Haverhill Road); and

**WHEREAS**, the petitioner presented this matter to the Development Review Committee of the City of Greenacres which provided comments to the Planning, Engineering, and GIS Division which, in turn, recommended approval of the Site Plan to allow for construction of a Private Club with associated outdoor recreational facilities located approximately 2,300 feet south of the intersection of Melaleuca Lane and Haverhill Road on the east side at 5208 S. Haverhill Road with the conditions identified herein; and

**WHEREAS**, the Planning and Zoning Board of Appeals held a public hearing January 11, 2024, reviewed the Petitioner's request, and made a recommendation on the petition with a vote of 5 to 0; and

**WHEREAS**, this matter has been presented to the City Council for final approval, and the Council has voted to approve the Site Plan for construction of a Private Club with associated outdoor recreational facilities , and ancillary club café, retail, and events within a Residential Low (RL-3) zoning district located approximately 2,300 feet south of the intersection of Melaleuca Lane and Haverhill Road on the east side at 5208 S. Haverhill Road with a future address of 5200 S. Haverhill Road, subject to the conditions of approval and staff recommendation at the February 5, 2024 Public Hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**SECTION 1.** The Petition, SP-23-05, a Site Plan is hereby APPROVED for construction of a Private Club with associated outdoor recreational facilities , and ancillary club café, retail, and events within a Residential Low (RL-3) zoning district located approximately 2,300 feet south of the intersection of Melaleuca Lane and Haverhill Road on the east side at 5208 S. Haverhill Road (with a future address of 5200 S. Haverhill Road), subject to the conditions of approval contained herein, which are in addition to the general requirements otherwise provided by resolution for real property as follows:

### **Legal Description**

**PCN: 18-42-44-36-08-007-0050**

A parcel of land lying and being in Palm Beach County, Florida, more particularly described as follows: The West 139.94 feet more or less of the North 165 feet of the South 1/2 of Tract 7 in the Northwest 1/4 of Section 36, Township 44 South, Range 42 East, as described, as recorded in Plat Book 3, Page 10, Public Records of Palm Beach County, Florida. Subject to an easement over the South 10 feet thereof.

TOGETHER WITH road right of way over and across the East 15 feet of the North 1/2 of Tract 7 across the East 15 feet of all of Tract 6, both tracts being in the Northwest 1/4 of Section 36, Township 44 South, Range 42 East, as in Deed recorded in Official Record Book 108, Page 437, Palm Beach County, Florida, Public Records.

TOGETHER WITH an easement for road right of way purposes over and across the following: The South 10 feet of the East 528 feet of the North 165 feet of the South 1/2 of Tract 7; over the East 15 feet of the North 165 feet of the South 1/2 of Tract 7; and over the North 10 feet of the South 165 feet of the South 1/2 of Tract 7 in said Northwest 1/4 of Section 36.

TOGETHER WITH an additional easement for road right of way purposes over and across the following: Beginning at the Northwest corner of the South 1/2 of Tract 7 in the Northwest 1/4 of Section 36; thence go South along the West line of said South 1/2 of Tract 7 a distance of 165 feet to the POINT OF BEGINNING; thence continue South 16.61 feet to the Northwest corner of tract deeded to Joseph J. Brusca and wife in Official Record Book 1355, Page 367; thence Easterly 667 feet more or less to the East line of the South 1/2 of Tract 7, thence Northerly along said East line 15.41 feet to the Southeast corner of tract deeded to William J. Haluska and wife in Official Record Book 776, page 238; thence Westerly 667 feet more or less to the POINT OF BEGINNING. Said easements intended to benefit all owners of lands in the South 1/2 of Tract 7 in the Northwest 1/4 Section 36, Township 44 South, Range 42 East, Palm Beach County, Florida.

**PCN: 18-42-44-36-08-007-0030**

The East 528 feet of the north 165 feet of the south 1/2 of Tract 7, in the Northwest 1/4 of Section 36, Township 44 South, Range 42 East, according to the Plat recorded in Plat Book 3, page 10, as recorded in the Public records of Palm Beach County, Florida; said land situate, lying and being in Palm Beach County, Florida.

**PCN: 18-42-44-36-08-007-0060**

A parcel of land located in the South Half (S 1/2) of Tract seven (7), in the Northwest Quarter (NW 1/4) of Section 36, Township 44 South, Range 42 East, According to the Map or Plat thereof recorded in Plat Book 3, Page 10, Public Records of Palm Beach County, Florida, more particularly described as follows:

Beginning at the Northwest corner of the South Half (S 1/2) of Tract 7; thence go South along the West line of the said South half (S 1/2) of Tract 7, a distance of 165 feet to the point of beginning; thence continue South a distance of 16.61 feet to the Northwest corner of the Tract of Land deeded to Josph J. Brusca and Constance E. Brusca, his wife, in O.R. Book 1355, Page 367; thence run easterly 667 feet, more or less, to the East line of said Tract 7; thence run northerly along the east line of said Tract 7, a distance of 15.41 feet to the Southeast corner of the Tract of land deeded to William J. Haluska and Barbara S. Haluska, his wife, in O.R. Book 776, Page 238; thence run westerly 667 feet, more or less, to the westerly line of said Tract 7 and the point of beginning.

**PCN: 18-42-44-36-08-007-0040**

A parcel of land located in the South Half (S 1/2) of Tract Seven (7), in the Northwest Quarter (NW 1/4) of Section 36, Township 44 South, Range 42 East, according to the Map or Plat thereof recorded in Plat Book 3, Page 10, Public Records of Palm Beach County, Florida, more particularly described as follows:

Beginning in the Southwest corner of the South Half (S 1/2) of Tract 7, the point of beginning of the tract herein described; thence run Northerly a distance of 165 feet to a point; thence run easterly a distance of 264 feet to a point; thence run Southerly a distance of 165 feet to a point on the South line of the South Half (S 1/2) of Tract 7; thence run Westerly a distance of 264 feet to the Point of Beginning.

**PCN: 18-42-44-36-08-007-0020**

The East 403.94 feet of the South 165 feet of Tract 7, in the Northwest 1/4 of Section 36, Township 44 South, Range 42 East, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 3, Page 10.

Together with an undivided one-half interest in and to that certain easement for road right of way purposes more particularly described as follows:

Beginning at the Northwest corner of the South 1/2 of said Tract 7, thence go South along the West line of said South 1/2 Tract 7 a distance of 165 feet to the Point of Beginning; thence continue South a distance of 16.61 feet to the Northwest corner of the tract of land deeded to Joseph J. Brusca and Constance E. Brusca, his wife, in Official Record Book 1355, Page 367, thence Easterly 667 feet, more or less, to the East line of said Tract 7; thence run Northerly along the East line of said Tract 7 a distance of 16.41 feet to the Southeast corner of the tract of land deeded to Willam J. Haluska and Barbara S. Haluska, his wife, in Official Record Book 776, Page 238; thence run Westerly 667 feet, more or less, to the Westerly line of said Tract 7 and the Point of Beginning.

CONTAINING A TOTAL OF 4.94 ACRES MORE OR LESS.



Subject site outlined in red dashed lines

**SECTION 2.** All resolutions in conflict herewith are hereby repealed.

**SECTION 3.** This resolution shall be effective upon its adoption subject to the following conditions, which shall be responsibility of and binding upon the Applicant, its successors, or assigns: The most stringent requirements of Exhibit "A" DNS Staff Report and Recommendation dated January 5, 2024 and strict compliance with the Site and Development Plan Exhibits listed below, which are attached hereto and made part hereof as Exhibit "B"

- A) SP-23-05 The Pickleball Club **Site Plan**, Sheet C1.00, prepared by Michael Miles of Dynamic Engineering, revised dated December 12, 2023
- B) SP-23-05 The Pickleball Club **Site Details**, Sheet C1.03 and C1.04, prepared by Michael Miles of Dynamic Engineering, revised dated December 12, 2023
- C) SP-23-05 The Pickleball Club **Signing & Striping Plan**, Sheet C1.02, prepared by

Michael Miles of Dynamic Engineering, revised date December 12, 2023

- D) SP-23-05 The Pickleball Club **Paving, Grading & Drainage Plan A**, Sheet C2.00, revised December 12, 2023
  - E) SP-23-05 The Pickleball Club **Paving, Grading & Drainage Plan B**, Sheet C2.01, prepared by Michael Miles of Dynamic Engineering, revised December 12, 2023
  - F) SP-23-05 The Pickleball Club **Paving, Grading & Drainage Details**, Sheet C2.02-C2.04, prepared by Michael Miles of Dynamic Engineering, revised December 12, 2023
  - G) SP-23-05 The Pickleball Club **Cross Sections**, Sheet C2.05, prepared by Michael Miles of Dynamic Engineering, revised December 12, 2023
  - H) SP-23-05 The Pickleball Club **Utility Plan A**, Sheet C3.00, prepared by Michael Miles of Dynamic Engineering, revised December 12, 2023
  - I) SP-23-05 The Pickleball Club **Utility Plan B**, Sheet C3.01, prepared by Michael Miles of Dynamic Engineering, revised December 12, 2023
  - J) SP-23-05 The Pickleball Club **Photometric Plan, Sheet 1**, prepared by Steve Norris of Sesco Lighting, revised December 8, 2023
  - K) SP-23-05 The Pickleball Club **Photometric Plan, Sheet 2**, prepared by Steve Norris of Sesco Lighting, revised December 8, 2023
  - L) SP-23-05 The Pickleball Club **Landscape Plan, Sheet 1**, prepared by Jeff Curl of Emerge Design, revised December 15, 2023
  - M) SP-23-05 The Pickleball Club **Irrigation Plan, Sheet 2**, prepared by Jeff Curl of Emerge Design, revised December 15, 2023
  - N) SP-23-05 The Pickleball Club **Landscape/Irrigation Details, Sheet 3**, prepared by Jeff Curl of Emerge Design, revised December 15, 2023
  - O) SP-23-05 The Pickleball Club **Architectural Plans, Sheet D1**, prepared by Albert Dambrose of Studio AD Architect, dated November 17, 2023
  - P) SP-23-05 The Pickleball Club **Architectural Plans, Sheet D2**, prepared by Albert Dambrose of Studio AD Architect, dated November 17, 2023
  - Q) SP-23-05 The Pickleball Club **Architectural Plans, Sheet D3**, prepared by Albert Dambrose of Studio AD Architect, dated November 17, 2023
1. The site shall be developed in accordance with the approved Special Exception (SE-23-02). (PLANNING-ZONING)
  2. Permits from the South Florida Water Management District (SFWMD), Lake Worth Drainage District (LWDD), and Palm Beach County Land Development, as required, for the stormwater management system must be obtained prior to the issuance of building permits. (ENGINEERING AND BUILDING)
  3. Permits from the Health Department for the water and sewer system must be obtained prior to the issuance of building permits. (ENGINEERING AND BUILDING)
  4. Driveway connection and/or right-of-way construction permits, as necessary, from Palm Beach County Land Development must be obtained prior to issuance of building permits. Any existing driveway connections on site that will become redundant shall be removed and replaced with curbing, etc. to match adjacent conditions. (ENGINEERING AND BUILDING)

5. Complete drainage calculations addressing water quality and quantity in accordance with the requirements of SFWMD must be submitted for review along with complete paving and drainage construction plans and subsurface investigation with percolation test prior to the issuance of building permits. (ENGINEERING AND BUILDING)
6. The site plan shall be revised as necessary to reflect all conditions of approval and re-submitted prior to the issuance of building permits, if required. (PLANNING-ZONING)
7. In accord with the requirements of the National Pollution Discharge Elimination System (NPDES), best management practices shall be used to control runoff from construction activities. (BUILDING AND PUBLIC WORKS)
8. The project shall participate in the City Tree Dedication Program per Section 16-1293; at the time of issuance of building permits one (1) tree to be donated per 1,000 sq. ft. of building area or fraction thereof, therefore fifty (50) Live Oaks or equivalent cash payment shall be donated to the City subject to the following specification: Live Oak, Florida Grade #1 Container Grown; minimum 12 ft. high; 2 inch diameter trunk at 4 ft.; and 5 ft. spread. (PLANNING-ZONING and BUILDING)
9. The project shall be required to pay the City's impact fee of \$2.80 per square foot of gross floor area per Section 16-201. The amount of \$117,513.20 shall be paid at the time of issuance of building permits. The existing single-family houses were originally constructed in unincorporated Palm Beach County and later annexed into the City and it has always been a non-commercial use. Therefore, the building was not subject to the City's commercial impact fee, no fees were originally paid, and no credits are available with its demolition or conversion. (BUILDING)
10. Utilities shall be provided underground and sufficient in size to properly serve the site. Appurtenances to these systems which require above-ground installation must be effectively screened from view. (PLANNING-ZONING, ENGINEERING, and BUILDING)
11. All utilities and services to the site shall be provided by entities holding valid franchise agreements with the City. (ENGINEERING AND BUILDING)
12. The building must be provided with a monitored fire alarm system. The building shall also have a Knox box keyed for the City of Greenacres at the entrance. The order form shall be obtained from the City's Fire Marshal. (PUBLIC SAFETY)
13. All roof top equipment shall be screened on all four sides consistent with the architecture of the building; no equipment shall be taller than the proposed screening. All ground mounted mechanical equipment (air conditioning, backflow preventer, etc.) shall be screened on all four sides; no equipment shall be taller than the proposed screening. (PLANNING-ZONING and BUILDING)



14. The freestanding sign shall be consistent in color with the building sign, shall feature decorative architectural elements and colors consistent with the building, and shall include the numerical street address with minimum 6" high numbers in contrasting color on both faces. (PLANNING-ZONING)
15. The dumpster enclosure walls shall match the finish, color and design elements of the building walls and trim. (PLANNING-ZONING)
16. A site clearing and tree removal permit shall be required prior to any clearing activities on site. This permit shall demonstrate protection of existing trees to remain. Additions to the landscaping plan may be necessary to meet Code requirements if existing material to remain is unsuitable for buffer purposes. (PLANNING-ZONING)
17. Development must remain consistent with all exhibits provided within this approval unless a City amendment is approved based on City Code. Non-compliance may result in the City pursuing any and all appropriate legal remedies. (PLANNING-ZONING)
18. As provided by subsection 166.033(6), Florida Statutes, issuance of a development permit by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development. (PLANNING-ZONING)
19. All existing invasive non-native plants shall be removed from the property. It shall be the responsibility of the property owner to maintain the site free from invasive plants. (PLANNING-ZONING and BUILDING)
20. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the "City of Greenacres". (PLANNING-ZONING)
21. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits or a Certificate of Occupancy. (PLANNING-ZONING and BUILDING)
22. The project shall be required to participate in the City's Arts in Public Places (AIPP) program if the construction value is two hundred fifty thousand dollars (\$250,000) or greater per Section 16-661. Please evaluate the art component of your project, ensuring it aligns with the city's Art in Public Places Program guidelines. Alternatively, you may opt to contribute 1% of the total construction costs to the city's public art fee in lieu of providing the art on site. The fee is collected in two parts: 30% at building permit issuance and 70%

prior to the issuance of the certificate of occupancy. Please see Sections 16-660 - 16-676 of the City Code for requirements and regulations regarding Art in Public Places. (PLANNING-ZONING)

23. All utilities and services to the site shall be provided by entities holding valid franchise agreements with the City. (PLANNING-ZONING)

24. Outdoor storage of materials and equipment (i.e., merchandise, pallets, etc....) is prohibited. (PLANNING-ZONING)

25. In accord with the determination of compliance with the Traffic Performance Standards by Palm Beach County Engineering, no building permits shall be issued after the build-out date of December 31, 2024 unless a revised traffic study with a later build-out date has been approved by the County and a copy of the approval provided to the City of Greenacres. (PLANNING-ZONING)

26. The site plan shall be revised to reflect all conditions of approval and re-submitted prior to the issuance of building permits. (PLANNING-ZONING)

27. Concurrent approval of Administrative Variance (BA-23-06) to reduce the 100' side (north) setback to 15' through Administrative Variance (BA-23-06) will be considered approved upon SP 23-05 approval.

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RESOLVED AND ADOPTED this 5<sup>th</sup> of day of February 2024

\_\_\_\_\_  
**Joel Flores**, Mayor

**Attest:**

\_\_\_\_\_  
**Quintella Moorer**, City Clerk

\_\_\_\_\_  
*Voted:*  
**John Tharp**, Council Member, *District I*

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*Voted:*  
**Peter Noble**, Deputy Mayor

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*Voted:*  
**Judith Dugo**, Council Member, *District III*

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*Voted:*  
**Susy Diaz**, Council Member, *District IV*

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*Voted:*  
**Paula Bousquet**, Council Member, *District V*

**Approved as to Form and Legal Sufficiency:**

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**Glen J. Torcivia**, City Attorney